

U. S. Department of Labor Employment and Training Administration Washington, D.C. 20210	CLASSIFICATION One-Stop
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TRAINING AND EMPLOYMENT INFORMATION NOTICE NO. 16-99

TO: ALL STATE WORKFORCE LIAISONS  
ALL STATE WORKER ADJUSTMENT LIAISONS  
ALL STATE EMPLOYMENT SECURITY AGENCIES  
ALL ONE-STOP CAREER CENTER SYSTEM LEADS

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FROM: LENITA JACOBS-SIMMONS  
Deputy Assistant Secretary

SUBJECT: Workforce Investment Act of 1998 Section 188 Interim  
Final Rule and Accessibility Checklists for One-Stop  
Service Delivery Systems

1. Purpose. To provide information to assist One-Stop service delivery systems in developing accessible infrastructures and programmatic access for people with disabilities.

2. Background. The passage of the Workforce Investment Act of 1998 (WIA) marked the beginning of a new opportunity to develop a coordinated workforce investment system. State and local governments will be able to craft job training programs to meet identified needs within their own economies. Local workforce investment services are to be provided through One-Stop service delivery systems that will have the ability to respond to changing economic conditions within each local workforce investment area.

In addition, State and local governments will be afforded a high level of discretion in the development and implementation of their programs. Although there is increased flexibility in the administration of these programs, there still remains an obligation to assure fair and equitable access to all services, programs and facilities for members of both sexes, various racial and ethnic groups, individuals in differing age groups, and individuals with disabilities. This obligation, along with other obligations relating to nondiscrimination and equal opportunity, is set forth in the regulations (29 CFR part 37) implementing Section 188 of WIA, the statute's provision regarding nondiscrimination.

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The regulations, published on November 12, 1999, are attached to this TEIN; they will also be found in the Federal Register at 64 FR 61692 *et seq.* Although all of the obligations set forth in the regulations are significant, this TEIN is particularly directed toward those obligations relating to individuals with disabilities.

In a survey conducted by the Harris agency in 1998, it was reported that over 70% of individuals with disabilities were currently unemployed. This troubling situation exists in an economy where unemployment within the general population is at an all time low. Employers are finding it difficult to hire qualified employees and are looking to the workforce investment system to help meet their labor force requirements. As a result there will be an increased demand on One-Stop systems to serve people with disabilities. Although agencies that provide Vocational Rehabilitation services are required partners in One-Stop delivery systems, the section 188 regulations provide that it is unlawful for One-Stop delivery systems, including comprehensive Centers, to rely on such agencies alone to provide services to individuals with disabilities. Indeed, One-Stop delivery systems have an affirmative obligation under various nondiscrimination laws and regulations to administer their programs "in the most integrated setting appropriate to the needs of qualified individuals with disabilities"; this means that One-Stop delivery systems may not *require* such individuals to participate in special programs such as Vocational Rehabilitation programs, but must offer them the opportunity to participate in the same programs and activities as they offer to individuals without disabilities. (See, e.g., 29 CFR 37.7(d).)

The Department of Labor is committed to ensuring that the programs, services, and facilities of each One-Stop delivery system are accessible to all of America's workers, including individuals with disabilities. In a speech before the National Council on Independent Living (NCIL) in June, 1999 Secretary of Labor Alexis Herman stated, " ... I am sending this message from the top: One Stops were created for all people. And that means... people with disabilities." in addition she remarked that " ... the key to keeping the economy strong is tapping into the potential of every American... when Americans with disabilities lose out on opportunity, all of us do."

This TEIN has been prepared jointly by ETA and the Civil Rights Center (CRC). CRC is the agency within the Department of Labor charged with enforcing the various civil rights laws to which recipients of financial assistance from the Department are subject. This includes Section 504 of the Rehabilitation Act of 1973 as amended (Section 504), 29 U.S.C. 794.

3. Description. As noted in the Background section of this TEIN, on November 12, 1999, the Department of Labor published, at 29 CFR part 37, regulations that implement section 188 of WIA. The regulations provide significant guidance on the obligations of each One-Stop delivery system regarding nondiscrimination and equal opportunity for individuals with disabilities. Additionally, the regulations explain that these obligations extend to all programs and activities that are part of One-Stop delivery

systems and that are operated by One-Stop delivery system partners listed in Section 121(b) of WIA, to the extent that the programs and activities are being conducted as part of the One-Stop delivery system. 29 CFR 37.2(a)(2). The regulations also provide definitions for such terms as *qualified individual with a disability*, *qualified interpreter*, and *reasonable accommodation* (29 CFR 37.4), and outline both discriminatory practices (29 CFR 37.7) and affirmative responsibilities for providing reasonable accommodation for, and communicating effectively with, individuals with disabilities.

In addition to Section 188 and its implementing regulations, One-Stop delivery systems are also obliged to comply with Section 504 of the Rehabilitation Act of 1973 as amended, and various titles of the Americans with Disabilities Act (ADA), 42 U.S.C. 12101 *et seq.*, regarding the accessibility of programs and facilities. To assist One-Stop delivery systems in evaluating the accessibility of their programs, services and facilities, in meeting these obligations, we are attaching the following accessibility checklists:

- Customer Service/Accommodation Practices
- Existing Facilities Self Evaluation
- Software Accessibility
- Web Page Accessibility
- Information Transaction Machines (ITMs) Accessibility
- Information Technology Equipment

These checklists will enable each local workforce investment area to conduct self evaluations of the accessibility of its One-Stop delivery system's programs, services and facilities, and to plan to meet the accessibility needs of individuals with disabilities seeking to use those programs, services, and facilities. The checklists are essentially a management tool that will help local workforce investment areas to assess what they have already done to provide access for individuals with disabilities and to plan what needs to be done in the future. The self evaluation will capture both the strengths and weaknesses, and will allow local workforce investment areas to develop concrete plans, based on real data, to increase the level of accessibility in their programs, services and facilities.

A more comprehensive assessment tool along with detailed technical assistance will be available to One-Stop delivery systems later in the year 2000 in the form of a One-Stop delivery system guide to accessibility. In the interim, the attached Facilities and Customer Service/Accommodation self assessments, and accompanying checklists may be used as a tool in assessing the accessibility of the One-Stop delivery system programs and activities you are implementing.

4. Distribution and Use of Regulations Implementing Section 188 and the Accessibility Checklists. 29 CFR part 37, the Existing Facilities Self Evaluation Checklist, Customer Satisfaction/Accommodation Practice checklist, and the four technology accessibility checklists are also available on the disAbility Online website at <http://wdsc.org/disability>.

5. Action Required. States are requested to distribute copies of this TEIN, with attachments, to each One-Stop delivery system within the State, to each of their open One-Stop Career Centers, and to provide a copy to each of their developing Centers. States are also encouraged to share this TEIN with other workforce development partners.
6. Inquiries. Questions regarding the nondiscrimination regulations should be directed to your State or local WIA EO Officer or to the Civil Rights Center, 202-219-8927 (voice) or (202) 219-6118 or (800) 326-2577 (TTY/TDD) or to Jim Downing, 202-219-5500. Questions regarding other matters should be directed to your ETA Regional Office.
7. Attachments.
  - 29 CFR Part 37
  - One Stop Disability Access Checklist
  - Software Accessibility Checklist
  - Web page Accessibility Checklist
  - ITM Accessibility Checklist
  - IT Equipment Accessibility Checklist